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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,985	11/24/2003	Jeffrey R. Powers	056409-5096	1749
9629	7590	04/04/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			RHEE, JANE J	
			ART UNIT	PAPER NUMBER
			1745	
DATE MAILED: 04/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,985	Applicant(s) POWERS ET AL.	
	Examiner Jane Rhee	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/06, 5/5/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3,5-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Vallon et al. (20030111135).

As to claim 1, Vallon et al. discloses a fuel cell comprising a body (figure 1 number 11), and a valve including a stem (figure 1 number 23), a unitary member secured to the body by its first end being fixedly secured to the stem (figure 1, number 3) the member including a connector formed at a second end (figure 1, number 3) and a fluid conduit extending between the first and second ends (figure 1 number 31). As to claim 2, Vallon et al. discloses wherein the stem extends parallel to a first axis and the fluid conduit extends parallel to the first axis (figure 1 number 23,31). As to claim 3, Vallon et al. discloses that the connector includes an aperture that is circumscribed by a channel (figure 1 number 3). As to claim 5, Vallon et al. discloses that the connector is a female fitting adapted for engaging a male inlet stem (figure 1 number 3,23). As to claim 6, Vallon et al. discloses that the second end includes an outer flange (figure 1 number 31) and an inner flange spaced from (figure 1 number 33), and circumscribed

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by the outer flange (figure 1 number 31 and 33). As to claim 7, Vallon et al. discloses a tool having a fluid inlet and the inlet including a male stem, wherein the female fitting is engaged with the male stem thereby provide a fluid tight seal (figure 1 number 23,3).

As to claim 8, Vallon et al. discloses a method for connecting a fuel cell to a tool having a dispensable fluid inlet, the fuel cell including a body containing a dispensable fluid, a stem and valve, wherein the valve is opened by depressing the stem, comprising a step or providing a unitary adapter fixedly secured to an end of the stem, the adapted defining a fluid passageway extending between the stem and a connector formed at an end of the adapted and engaging the dispensable fluid inlet with the connector whereupon engagement with the connector there is a fluid tight seal formed between the fuel cell stem and dispensable fluid inlet (figure 1 and page 1 paragraph 0001).

As to claim 9, Vallon et al. discloses the engaging step includes inserting a male stem of the tool into an aperture of the connector (page 1 paragraph 0001).

As to claim 10, Vallon et al. discloses wherein the inserting step includes press-fitting the male stem into the aperture (page 1 paragraph 0001).

As to claim 11, Vallon et al. discloses that the press-fitting includes forcibly inserting an end of the inlet stem beyond a ridge provided on the adapter (page 1 paragraph 0001).

As to claim 12, Vallon et al. discloses a fuel cell, comprising a canister (figure 1 number 11) having a stem for expelling fluid from the canister (figure 1 number 23), and a unitary member that is integral with the stem and includes a conduit that is in fluid

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communication with the connector (figure 1 number 3) and the connector is adapted for sealingly engaging a dispensable fluid inlet (page 1 paragraph 0001).

As to claim 13, Vallon et al. discloses that the conduit includes a first portion having a first diameter suited for sealingly engaging the stem (figure 1 number 32), a second portion having a second diameter that is less than the first diameter (figure 1 number 33), and a third portion having a third diameter that is greater than the second diameter (figure 1 number 35).

As to claim 14, Vallon et al. discloses that the second diameter approximates a fluid exit diameter of the stem (figure 2). As to claim 15, Vallon et al. discloses that the connector is a female connector (figure 1 number 3). As to claim 16, Vallon et al. discloses that the female connector includes a hole surrounded by a flange (figure 1 number 3 and 33). As to claim 17, Vallon et al. disclose a flange includes a protuberance formed on an inner wall thereof (figure 1 number 33). As to claim 18, Vallon et al. discloses a fuel cell comprising, a canister having a stem (figure 1 number 1 and 23) for expelling fluid from the canister (page 1 paragraph 001), and a means for securing the canister to a valve so as to established a fluid tight seal with the valve, the means being integral with the canister (page 1 paragraph 001).

As to claim 19, Vallon et al. discloses that the means includes a female interface (figure 1 number 3). As to claim 20, Vallon et al. discloses that the means is a one-piece connector fixedly secured to the stem (figure 1 number 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallon et al. (20030111135) in view of Wagdy (20030127488).

As to claim 4, Vallon et al. discloses that the second end approximates a cylindrical section and the stem axis is both parallel and collinear with the axis of revolution for the first and second ends (figure 1 number 31).

Vallon et al. fail to disclose wherein the member first end approximates a conical section. Wagdy teaches that the member first end approximates a conical section (page 4 paragraph 0027) for the purpose of facilitating the fluidic sealing engagement between the electrometric adaptor and the tool stem (page 4 paragraph 0027).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Vallon et al. with the member first end approximates a conical section in order to facilitate the fluidic sealing engagement between the electrometric adaptor and the tool stem (page 4 paragraph 0027).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee
March 30, 2006



PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER